



February 23, 2007

SENATE BILL No. 353

DIGEST OF SB 353 (Updated February 21, 2007 4:38 pm - DI 102)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; noncode.

Synopsis: Miscellaneous election matters. Provides that an identification document issued by the United States military with an indefinite expiration date is sufficient proof of identification for a voter. Requires certain candidacy documents to contain a statement that the candidate is aware of the statute prohibiting certain relatives of the candidate from being a precinct election officer. Requires a candidate to separately sign the statement. Authorizes poll clerks and assistant poll clerks to check a voter's proof of identification.

Effective: Upon passage; January 1, 2007 (retroactive); July 1, 2007.

Steele, Delph

January 11, 2007, read first time and referred to Committee on Local Government and Elections.

February 22, 2007, amended, reported favorably — Do Pass.

C
o
p
y

SB 353—LS 7207/DI 75+



February 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 353

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a
4 document that satisfies all the following:
- 5 (1) The document shows the name of the individual to whom the
6 document was issued, and the name conforms to the name in the
7 individual's voter registration record.
- 8 (2) The document shows a photograph of the individual to whom
9 the document was issued.
- 10 (3) The document includes an expiration date, and the document:
11 (A) is not expired; or
12 (B) expired after the date of the most recent general election.
- 13 (4) The document was issued by **either of the following**:
- 14 (A) The United States. ~~or Notwithstanding subdivision (3),~~
15 **a document issued by the United States Department of**
16 **Defense to a retired member of the uniformed services**
17 **that:**

SB 353—LS 7207/DI 75+



(i) otherwise complies with the requirements of this section; and

(ii) states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(B) The state of Indiana.

SECTION 2. IC 3-8-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified; and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). For purposes of this subdivision, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

**C
o
p
y**



(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(+2)~~ (13) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

C
o
p
y



(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information near the separate signature required by subsection (b)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 3. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in which the candidate

C
o
p
y



voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this

C
O
P
Y



chapter.

(10) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(10)~~ **(11)** The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 4. IC 3-8-5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than January 1; and

(2) not later than:

(A) noon August 1 before a municipal election if the town nominates its candidates by convention; and

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the

C
o
p
y



- 1 ballot; and
 2 (B) the candidate's name is permitted to appear on the ballot
 3 under IC 3-5-7.
 4 (2) That the candidate is a registered voter and the location of the
 5 candidate's precinct and township (or the ward and town), county,
 6 and state.
 7 (3) The candidate's complete residence address and the
 8 candidate's mailing address if the mailing address is different
 9 from the residence address.
 10 (4) The candidate's party affiliation and the office to which the
 11 candidate seeks nomination, including the district designation if
 12 the candidate is seeking a town legislative body seat.
 13 (5) That the candidate complies with all requirements under the
 14 laws of Indiana to be a candidate for the above named office,
 15 including any applicable residency requirements, and is not
 16 ineligible to be a candidate due to a criminal conviction that
 17 would prohibit the candidate from serving in the office.
 18 **(6) A statement that the candidate is aware of the provisions**
 19 **of IC 3-6-6-7 prohibiting certain relatives of the candidate**
 20 **from being a precinct election officer. The candidate must**
 21 **separately sign the statement required by this subdivision.**
 22 ~~(6)~~ (7) The candidate's signature.
 23 (e) This subsection does not apply to a town whose municipal
 24 election is to be conducted by a county. Immediately after the deadline
 25 for filing, the circuit court clerk shall do all of the following:
 26 (1) Certify to the town clerk-treasurer and release to the public a
 27 list of the candidates of each political party for each office. The
 28 list shall indicate any candidates of a political party nominated for
 29 an office under this chapter because of the failure of any other
 30 candidates of that political party to file a declaration of candidacy
 31 for that office.
 32 (2) Post a copy of the list in a prominent place in the circuit court
 33 clerk's office.
 34 (3) File a copy of each declaration of candidacy with the town
 35 clerk-treasurer.
 36 (f) A person who files a declaration of candidacy for an elected
 37 office for which a per diem or salary is provided for by law is
 38 disqualified from filing a declaration of candidacy for another office for
 39 which a per diem or salary is provided for by law until the original
 40 declaration is withdrawn.
 41 (g) A person who files a declaration of candidacy for an elected
 42 office may not file a declaration of candidacy for that office in the same

C
o
p
y



year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 5. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date

**C
o
p
y**



for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(9) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

C
o
p
y



- 1 (B) If the petition has an insufficient number of signatures,
 2 deny the certification.
- 3 (e) The secretary of state shall, by noon August 20:
 4 (1) certify; or
 5 (2) deny certification under subsection (d) to;
 6 each petition of nomination filed in the secretary of state's office to the
 7 appropriate county.
- 8 (f) The commission shall provide that the form of a petition of
 9 nomination includes the following information near the separate
 10 signature required by subsection (b)(2):
 11 (1) The dates for filing campaign finance reports under IC 3-9.
 12 (2) The penalties for late filing of campaign finance reports under
 13 IC 3-9.
- 14 (g) A candidate's consent to become a candidate must include a
 15 statement that the candidate requests the name on the candidate's voter
 16 registration record be the same as the name the candidate uses on the
 17 consent to become a candidate. If there is a difference between the
 18 name on the candidate's consent to become a candidate and the name
 19 on the candidate's voter registration record, the officer with whom the
 20 consent to become a candidate is filed shall forward the information to
 21 the voter registration officer of the appropriate county as required by
 22 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 23 shall change the name on the candidate's voter registration record to be
 24 the same as the name on the candidate's consent to become a candidate.
- 25 (h) If the person with whom the petition was filed denies
 26 certification under subsection (d), the person shall notify the candidate
 27 immediately by certified mail.
- 28 (i) A candidate may contest the denial of certification under
 29 subsection (d) based on:
 30 (1) the circuit court clerk's or board of registration's failure to
 31 certify, under section 8 of this chapter, qualified petitioners; or
 32 (2) the determination described in subsection (d)(1);
 33 using the procedure in IC 3-8-1-2 and section 14 of this chapter that
 34 applies to questions concerning the validity of a petition of nomination.
- 35 SECTION 6. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Either the chairman and
 37 secretary of a state convention or the state chairman and state secretary
 38 of the political party holding the state convention shall certify each
 39 candidate nominated at the convention to the secretary of state not later
 40 than noon July 15 before the general election.
- 41 (b) The certificate must state the following:
 42 (1) Whether each candidate nominated by the convention has

C
o
p
y



1 complied with IC 3-9-1-5 by filing a campaign finance statement
2 of organization.

3 (2) That the candidate:

4 (A) is aware of the provisions of IC 3-9 regarding campaign
5 finance and the reporting of campaign contributions and
6 expenditures; and

7 (B) agrees to comply with the provisions of IC 3-9.

8 The candidate must separately sign the statement required by this
9 subdivision.

10 **(3) That the candidate is aware of the provisions of IC 3-6-6-7**
11 **prohibiting certain relatives of the candidate from being a**
12 **precinct election officer. The candidate must separately sign**
13 **the statement required by this subdivision.**

14 (c) The commission shall prescribe the form of the certificate of
15 nomination for the offices. The commission shall provide that the form
16 of the certificate of nomination include the following information near
17 the separate signature required by subsection (b)(2):

18 (1) The dates for filing campaign finance reports under IC 3-9.

19 (2) The penalties for late filing of campaign finance reports under
20 IC 3-9.

21 (d) A certificate of nomination must include a statement that the
22 candidate requests the name on the candidate's voter registration record
23 be the same as the name the candidate uses on the certificate of
24 nomination. If there is a difference between the name on the candidate's
25 certificate of nomination and the name on the candidate's voter
26 registration record, the officer with whom the certificate of nomination
27 is filed shall forward the information to the voter registration officer of
28 the appropriate county as required by IC 3-5-7-6(e). The voter
29 registration officer of the appropriate county shall change the name on
30 the candidate's voter registration record to be the same as the name on
31 the candidate's certificate of nomination.

32 SECTION 7. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,
33 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2007 (RETROACTIVE)]: Sec. 7.2. (a) Except as
35 provided in subsection (e), a voter who desires to vote an official ballot
36 at a primary election shall provide proof of identification.

37 (b) Except as provided in subsection (e), before the voter proceeds
38 to vote in a primary election, **the poll clerk, an assistant poll clerk, or**
39 **a member of the precinct election board shall ask the voter to provide**
40 **proof of identification. The voter must produce the proof of**
41 **identification before being permitted to sign the poll list.**

42 (c) If:

C
o
p
y



(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election.

SECTION 8. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, **the poll clerk, an assistant poll clerk, or** a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to

C
o
p
y



1 proceed to the location where the poll clerks are stationed. The voter
 2 shall announce the voter's name to the poll clerks or assistant poll
 3 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
 4 election board shall require the voter to write the following on the poll
 5 list:

6 (1) The voter's name.

7 (2) Except as provided in subsection (k), the voter's current
 8 residence address.

9 (g) The poll clerk, an assistant poll clerk, or a member of the
 10 precinct election board shall:

11 (1) ask the voter to provide or update the voter's voter
 12 identification number;

13 (2) tell the voter the number the voter may use as a voter
 14 identification number; and

15 (3) explain to the voter that the voter is not required to provide or
 16 update a voter identification number at the polls.

17 (h) The poll clerk, an assistant poll clerk, or a member of the
 18 precinct election board shall ask the voter to provide proof of
 19 identification.

20 (i) In case of doubt concerning a voter's identity, the precinct
 21 election board shall compare the voter's signature with the signature on
 22 the affidavit of registration or any certified copy of the signature
 23 provided under IC 3-7-29. If the board determines that the voter's
 24 signature is authentic, the voter may then vote. If either poll clerk
 25 doubts the voter's identity following comparison of the signatures, the
 26 poll clerk shall challenge the voter in the manner prescribed by section
 27 21 of this chapter.

28 (j) If, in a precinct governed by subsection (g):

29 (1) the poll clerk does not execute a challenger's affidavit; or

30 (2) the voter executes a challenged voter's affidavit under section
 31 22.1 of this chapter or executed the affidavit before signing the
 32 poll list;

33 the voter may then vote.

34 (k) Each line on a poll list sheet provided to take a voter's current
 35 address must include a box under the heading "Address Unchanged"
 36 so that a voter whose residence address shown on the poll list is the
 37 voter's current residence address may check the box instead of writing
 38 the voter's current residence address on the poll list.

39 **SECTION 9. [EFFECTIVE JULY 1, 2007] (a) A form prescribed**
 40 **by the Indiana election commission and acceptable for use by a**
 41 **candidate before July 1, 2007, under IC 3-8-2-2.5, IC 3-8-5-10.5, or**
 42 **IC 3-8-6-12, before their amendment by this act, is acceptable for**

C
o
p
y



- 1 **use by a candidate after June 30, 2007.**
- 2 **(b) This SECTION expires January 1, 2008.**
- 3 **SECTION 10. An emergency is declared for this act.**

**C
o
p
y**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "any" and insert "either".

Page 2, delete lines 7 through 8.

Page 6, between lines 25 and 26, begin a new paragraph and insert:
 "SECTION 4. IC 3-8-5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than January 1; and

(2) not later than:

(A) noon August 1 before a municipal election if the town nominates its candidates by convention; and

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.

(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office,

C
o
p
y



including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(6)~~ (7) The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of

C
o
p
y



candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy."

Page 11, between lines 41 and 42, begin a new paragraph and insert:
"SECTION 8. [EFFECTIVE JULY 1, 2007] (a) A form prescribed by the Indiana election commission and acceptable for use by a candidate before July 1, 2007, under IC 3-8-2-2.5, IC 3-8-5-10.5, or IC 3-8-6-12, before their amendment by this act, is acceptable for use by a candidate after June 30, 2007.

(b) This SECTION expires January 1, 2008."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 353 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

C
o
p
y

